

# EXHIBIT M

Title of Investigation: Whitfield, Marcus	Investigation Number: 786050-07-0041	Report Number: 1
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**SUMMARY OF EVENT:**

On 4/29/2007 SFPD officers arrested Marcus Whitfield for Felon in Possession of a Firearm, Possession of Assault Weapon, Felon in Possession of Ammunition and a domestic violence related assault charge.

**NARRATIVE:**

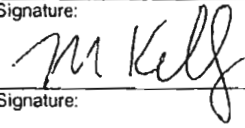
SFPD Officers arrested Marcus Whitfield. Whitfield is further described as follows:

Whitfield, Marcus DOB: 3/21/85.  
Black Male Adult, 5'11" 170 lbs, Black Hair Brown Eyes  
BI #:607680JB3  
CII #:20082280  
F #:613035

On 4/28/07 Marcus Whitfield's girlfriend Cavia Daniels reported to San Francisco Police she had been assaulted by Whitfield. Daniels told police that Whitfield kept a gun under a mattress in his bedroom at his parent's house located at 855 Sunnydale Ave. SF where he sometimes stayed. Whitfield is a convicted felon on felony probation with a warrantless search condition as part of his probation.

On 4/29/07 San Francisco Police arrested Whitfield for the domestic related assault reported by Cavia Daniels. Police conducting a follow up investigation went to Whitfield's reported address at 1855 Sunnydale Ave. At that location Whitfield's sister Donecia Colvin told police Whitfield stayed at that residence. Colvin told police where Whitfield's room was and escorted them to his room and showed them his bed. Police looked under the mattress of the bed and found an Intratec Tec 9 pistol where Daniels said it would be located. Next to the pistol was an ammunition magazine for the gun. The magazine contained 12 live bullets. SFPD CSI Inspector G. Mar found Whitfield's fingerprint on the magazine containing the bullets.

Attachment:  
San Francisco Police Report # 070438635

Prepared by: Michael L. Kelly	Title: Task Force Officer, San Francisco Metro Field Office	Signature: 	Date: 6/1/07
Authorized by: Rayfield Roundtree	Title: Resident Agent in Charge, San Francisco Metro Field Office	Signature:	Date:
Second level reviewer (optional): Stephen K. Martin	Title: Special Agent in Charge, San Francisco Field Division	Signature:	Date:

## NARRATIVE

Additional Charges: N/W 136.1(b)(1) PC, 243(e)(1) PC

On 04/29/2007 at 1803 hrs, while driving westbound on Sunnydale Ave 100 feet west of the intersection with Santos Ave, my partner, Officer Reboli #1651, observed a person who he believed matched the description of subject who was on parole and a person of interest in several open shooting investigations. As we stopped in order to investigate, 3H90C, Officers Morrow #1196 and Anderson #516 responded to the scene.

As we approached the subject Officer Anderson recognized him as (B1) Whitfield, who was a suspect in a domestic violence incident which occurred on 04/28/07 (see case number 070433516). It should be noted that Officer Anderson was one of the officers who responded to the scene in the earlier domestic violence incident and had seen Whitfield's SFPD Mugshot photo. Officer Reboli and I detained Whitfield pending a further investigation. I handcuffed Whitfield, checked the handcuffs for appropriate tightness and double locked them.

I contacted 3H200, Sgt Sainez #1667, at Ingleside Station, and he confirmed that on 04/28/07 Whitfield had been accused of injuring the victim by dragging her by her clothing and throwing her to the ground (243(e)(1) P.C. violation) and taking the victim's cell phone in order to prevent her from calling 911 (N/W 136.1(b)(1) P.C. violation) (see case number 070433516). Sgt Sainez determined that based on the victim's statements and the injuries she had sustained that Whitfield should be booked for the listed charges.

With Sgt Sainez's approval I placed Whitfield under arrest and Officer Reboli and I transported Whitfield to Ingleside Station. At Ingleside Station Officer Reboli identified Whitfield using his SFPD Mugshot photo. I served Whitfield with the Emergency Protective Order (EPO) approved by Judge Tang on 04/28/07 at 0230 hrs (see attached EPO). I observed that Whitfield had an injury to his left thumb. I asked Whitfield how he had injured his thumb and he stated, "my girl bit me there yesterday". I took three digital photos of the injury to Whitfield's thumb and saved them to the (E4) floppy disk.

On 04/28/07 the victim in the domestic violence incident had stated to Officer Ortiz #1131 that Whitfield kept a "full automatic Tec-9 [submachine gun] under his mattress" at his residence at 1855 Sunnydale Ave. Officer Ortiz noted this statement in the incident report. A computer check revealed that Whitfield was subject to a warrantless search condition as a condition of court probation through 06/21/2009 (see court #02260553). Sgt Sainez ordered Officer Reboli and I as well as the 3H75, Officer Campos #89 and Officer Trail #921 to respond to the residence at 1855 Sunnydale Ave in order to investigate.

Upon arrival at 1855 Sunnydale Ave Officer Reboli and Officer Campos knocked on the front door. Officer Trail and I responded to the back door of the residence. The door was answered by (R/W1) D. Colvin. Officer Campos asked to speak with D. Colvin's mother or guardian. D. Colvin stated that she was alone at home. Officer Campos asked D. Colvin if she could call her mother, but she stated that she did not have a phone number she could reach her mother at. Officer Campos asked D. Colvin if she was normally left at home for several days without adult supervision and she stated "yeah".

Officer Campos asked D. Colvin if she had any brothers living at the residence and she stated yes. Officer Reboli asked D. Colvin if she was related to Whitfield and she stated yes. Officer Reboli asked D. Colvin if Whitfield stays or lives at the residence and she answered, "yeah, he stays here". Officer Campos asked D. Colvin where Whitfield stays at when in the residence. and she



Officer Campos asked D. Colvin if officers could check the bedroom with her help. Colvin stated "yeah" and led Officer Campos and Officer Reboli upstairs. Once inside the bedroom, Officer Campos asked D. Colvin if she could lift up the mattress so the officers could check under it. Once D. Colvin lifted up the mattress Officer Campos and Officer Reboli observed the (E1) firearm (Intratec Tec-9 9mm Submachine gun) (12020(a)(2) P.C. violation, 12021(a)(1) P.C. violation) and (E2) loaded magazine (12316(b)(1) P.C. violation) laying underneath.

It should be noted that the Intratec Tec-9 sub-machine gun is defined as a prohibited firearm under 12276 P.C. (12280(a)(1) P.C. violation).

Officer Campos took digital photos of the firearm and the magazine where they were found under the mattress and photos of the bedroom and saved them to (E5) Floppy Disk. On 04/29/2007 at 2140 hrs I contacted Officer Bores #95 at the Operations Center and informed her of the incident. Officer Borges contacted the SFPD Crime Scene Investigations (CSI) unit and the Gang Task Force (GTF).

D. Colvin stated to me that there was a picture of Whitfield on the mirror in the upstairs bedroom. Officer Campos responded to the bedroom and seized the (E3) photo of Whitfield from the mirror. Officer Reboli seized the photo from Officer Campos.

Using a fresh pair of latex gloves, Officer Campos seized the firearm and the magazine from under the mattress and placed them inside a paper evidence bag. Officer Campos transported the firearm and the magazine to Ingleside Station.

I asked D. Colvin who stayed in the bedroom where the firearm was found and she stated that Whitfield and her little brother stayed there. I asked D. Colvin how old her little brother was and she stated 11 years old (273a(b) P.C. violation).

D. Colvin provided Officer Campos with contact information for her father, (P1) Duane Colvin. Officer Campos contacted Duane Colvin and informed him of the incident. 3C200, Sgt Perez #2217, responded to Duane Colvin's residence at 124 Coral Ct and drove him to 1855 Sunnydale Ave. Duane Colvin took custody of D. Colvin at the scene. Duane Colvin provided Officer Reboli with the contact information for D. Colvin's mother, (P2) Janice Colvin. Officer Reboli contacted Janice Colvin by telephone but she refused to respond to the scene.

5L20, Insp. Mar #547 of the CSI unit, responded to Ingleside Station. While wearing a fresh pair of latex gloves Insp. Mar removed the strap attached to the firearm. Officer Reboli seized the strap from Insp. Mar. Insp. Mar dusted the firearm and magazine for fingerprints and lifted a latent print from the magazine. Insp. Mar removed 14 9mm rounds from the magazine. Officer Reboli seized the firearm from Insp. Mar.

5O3, Insp. Noble #219 and 5O4, Officer Broberg #1450, of the GTF, responded to Ingleside Station. Insp. Noble and Officer Broberg interviewed Whitfield at Ingleside Station and he stated that he had no knowledge of the firearm.

Officer Reboli booked the (E1) firearm, the (E2) magazine with 14 9mm rounds, the (E3) photo, the (E4) floppy disk, the (E5) floppy disk, the (E7) strap and the (E8) written statement into evidence at Ingleside Station.

With Sgt Sainez's approval Officer Reboli booked Whitfield at Ingleside Station on the listed charges.

